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PENNSYLVANIA COUNCIL
OF NATIONAL DEFENSE

LEGAL ADVISORY DEPARTMENT

H A N D B O O K

FOR USE OF MEMBERS OF THE
LEGAL ADVISORY BOARD AND OF
LOCAL LEGAL COMMITTEES

PHILADELPHIA, PA.

OCTOBER 1, 1918

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PENNSYLVANIA COUNCIL OF NATIONAL DEFENSE

FINANCE BUILDING, PHILADELPHIA

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LEGAL ADVISORY DEPARTMENT

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INTRODUCTION

THE Council of National Defense requested each State Council to appoint Local Legal Committees to advise drafted men upon questions pertaining to their legal rights and financial affairs.

The Pennsylvania Council of National Defense thereupon created a Legal Advisory Department, appointed a Legal Advisory Board, and organized Local Legal Committees in each county in compliance with Bulletin 84 of the Council of National Defense.

This book is a brief digest of the Federal and State Legislation affecting men in military service and a guide for local legal committees in giving advice to drafted men.

The Legal Advisory Department appreciates the generous response of the members of the bar to the call to give free legal aid and advice to draftees as a patriotic service and the fulfillment of a professional duty.

COUNCIL OF NATIONAL DEFENSE WASHINGTON

BULLETIN NO. 84 LEGAL COMMITTEES

To the Several State Councils of Defense:

Now that the draft machinery is completing its work, the drafted men, on being assigned to their final classifications, know several months before they are called the prospect of their entering the service. Men already called for service, but not yet in camp, are in a like position. It will be possible, therefore, for them, if properly assisted by legal advice, to arrange their affairs and to make provision for their dependents and care of their property, so that, when the final call comes, little confusion and hardship will result. In addition, the 1,500,000 men already under arms and their dependents need legal advice in order to protect their civil rights and claim the benefit of war emergency legislation. The State Council of Defense is in an advantageous position to mobilize the lawyers for this important work.

The Provost Marshal General has created in each State permanent legal advisory boards in connection with each local exemption board to advise the draft boards and the drafted men as to the selective service law. This organization is composed of men already tried who have proved their zeal and fitness for such work. As the work of these ad-

visory boards is practically completed, their personnel is undoubtedly available for the new work. To avoid unnecessary duplication of machinery, therefore, this personnel should be taken by the State Council of Defense as a nucleus for forming Legal Committees on the plan outlined below.

The following plan, drawn up by the Council of National Defense, has the approval of the American Bar Association, which is writing to its representatives in each of the States asking them to coöperate with the State Councils of Defense in the formation of legal committees and the undertaking of their work. We recommend that this work be done in close coöperation with the American Bar Association and with the State and local bar associations.

We ask, therefore:

1. *That you form a Legal Committee subordinate to your Council to perform the following duties:*

- A. To draft and propose war emergency legislation for the State legislatures.
- B. To draw up a booklet of legal rules for the guidance of soldiers and sailors entering the service to be used by the local legal committee as a handbook for their work and as an instrument for making known to soldiers and sailors the need of legal preparation, care being taken to inform local committees of changes in laws or regulations subsequent to the compilation of the booklet.
- C. To supervise the formation and work of the local legal committee, whose organization is provided for below.

2. *That a legal committee to advise soldiers and sailors be created as a subordinate committee of each county or other local Council of Defense.* A few States have created local legal committees of this type, and their work has demonstrated the value of such agencies. We suggest that in forming local legal committees you adopt, as far as possible, the organization of these existing business aid committees and the personnel of the Permanent Legal Advisory Boards created by the Provost Marshal General. A list of the names of the members of these boards in each State is filed with the Adjutant General of the State. We recommend that the first step in forming the local legal committees be the procuring of these lists. Such committee should have the following duties:

- A. To explain the selective service law to drafted men.
- B. To give legal advice as to the benefits of war risk insurance, allotment of soldiers' and sailors' pay by the Federal Government, Government family allowance, the Soldiers' and Sailors' Civil Rights Act, if it becomes a law, and other war emergency laws relating to men entering the service. Copies of these laws will be furnished by the War Department. The Home Service Sections of the Red Cross in many communities have information service in this regard organized and in operation. Coördination with their work on this point should be arranged so that their work may not be duplicated unnecessarily. The committee should also assist in drawing up the papers necessary to be filed to claim the benefits of the foregoing laws.

- C. To draft wills and attend to caring for the property and settling the business affairs of men entering the service.
- D. To represent soldiers and sailors in court where necessary, and obtain for them the benefits of the Civil Rights Act when in force.
- E. To arrange to attend to such business matters as require and are capable of attention in the absence of men in the service.
- F. To report to the Red Cross Home Service Section cases requiring relief which come to the attention of the committee.

Each local committee should be composed primarily of lawyers, but should include in its membership a business man and a representative of the Red Cross Home Service Section. The members of each exemption board should be informed of the scope of the committee's work and be asked to coöperate. A bulletin showing the personnel of the committee, its headquarters, and the address of each member should be posted in the office of each exemption board and mailed to every drafted man. A special effort should be made to reach those classified for early service in order to enable them to have their affairs well taken care of when the time comes for them to enter the service. Publicity should also be given to the work of the committee through the public press, and information as to its work should be communicated to the Red Cross and other organizations doing relief work.

We believe that the early organization of such committees under the supervision of the Legal Committee of your State Council will afford a great measure of aid to soldiers and sailors. We request that you inform us of the name and address of the chairman of each committee as soon as appointed, in order that copies of Federal war emergency laws may be sent to them. If deemed preferable, such laws will be sent in bulk to the State Council of Defense for distribution.

Very truly yours,

W. E. GIFFORD,
Director.
GEORGE L. PORTER,
Chief of Section.

LEGAL COMMITTEES

THE purpose of a local legal committee is to provide free legal advice when requested, to drafted men, and to this end the members should examine a man upon the matters hereafter stated and take for him such action as may be appropriate; namely:

1. Whether he is married and has children, and their ages; what provision he has made for their care; whether he has made a will, appointed an executor and a guardian of the estates of his minor children.

2. Whether he owns real estate, and if so, how is the title held, and if there are mortgages or encumbrances of any kind against it.

3. Whether he is interested in any business enterprises as a partner or otherwise, so that his interest may be protected.

4. As to any judgments which may be entered against him, mortgages, or litigation in which he may be interested.

5. Whether he has savings bank and checking accounts, and whether he has provided by a power of attorney for some one to act for him in this and other matters.

6. Whether he is a stockholder in building and loan associations and has arranged for the payment of his dues, and, if he has given a mortgage to a building association, whether he has arranged for the payment of the dues to the building association and of interest on such mortgage.

7. Whether he has life-insurance policies in insurance companies or fraternal orders, and, if so, whether he has given notice of his entry into military service, and whether he has provided for insurance under the War Risk Insurance Act.

8. Is he a guardian, trustee, executor, administrator, or fiduciary of any kind, and, if so, whether a successor should be provided, or provision made for administration?

Members of local legal committees are invited to consult with the members of the Advisory Board and are requested to keep a record of the name and address of any one whom they may advise, the information obtained, and the advice given, and to advise the Director of the Department of any novel questions and to make suggestions of courses to be followed or actions to be taken.

SOLDIERS' AND SAILORS' CIVIL RELIEF

Act of Congress approved March 8, 1918. For full text see Appendix, page 19.

THE headings which follow are based on a logical classification and do not correspond with the sections of the law.

I. ENTERING JUDGMENT ON DEFAULT.—To enter judgment in default of an appearance by the defendant in any action or proceeding the plaintiff must:

- (a) File an affidavit stating that the defendant is not in military service.* If he cannot file such an affidavit, he must file:
- (b) An affidavit that the defendant is in the military service, or
- (c) That plaintiff is not able to determine whether or not the defendant is in such service.

In case no affidavit is filed, judgment cannot be entered without an order of court. If in case such an order is sought, it appears that the defendant is in military service, the court must appoint an attorney to represent him before judgment can be entered. If it does not appear whether the defendant is in military service or not, the plaintiff may be required to file a bond to indemnify the defendant from loss. In case he is in military service, the court has discretion to require other conditions suitable to the requirements of the particular case. [Section 200.]

II. OPENING JUDGMENT ON DEFAULT.—In case such a judgment is entered during the period of such service, or thirty days after its termina-

* "Military Service," by definition in the Act, includes naval as well as army service. The exact meaning of this and other phrases of the Act may be found by reference to the text.

tion, and it appears that the person in the service was by reason thereof prejudiced in making a defense the judgment may be opened not later than ninety days after the termination of the military service, provided that it is made to appear that the defendant has a legal defense to the action. [Section 200.]

III. STAY OF ACTION, PROCEEDING, AND EXECUTION, AND STAYING OR VACATING JUDGMENTS AND ATTACHMENTS.—In any action or proceedings against a person in military service during the period of service, or sixty days thereafter, the court may, in its discretion, or on application, shall “unless in the opinion of the court the ability of the defendant to comply with the judgment or order entered or sought is not materially affected by reason of his military service”: [Section 201.]

(a) Stay action or proceedings at any state.

(b) Stay execution on the judgment.

(c) Vacate or stay any judgment or attachment. [Section 203.]

Such stay shall be for the period of service and three months thereafter. The court may provide for payment of the judgment by installments or subject to other suitable conditions. [Section 204.]

IV. NO PENALTY IN CASE OF STAY.—Such stay shall not give rise to a fine or penalty under a contract. [Section 202.]

V. DISTRESS OR EVICTION FOR RENT IN ARREARS.—In case of premises the rent of which does not exceed \$50.00 per month, occupied chiefly for dwelling purposes by the wife, children, or other dependents of a person in military service, leave of court is necessary for eviction or distress. Such proceedings for eviction or distress may be stayed for not longer than three months, unless the tenant's ability to pay his rent was not materially affected by his military service. [Section 300.]

VI. INSTALLMENT CONTRACTS.—In case of default on an installment contract for purchase of real estate or personal property, or a lease or bailment with the view to purchase, an installment of the purchase price has been paid, the person selling, leasing, etc., may not terminate the contract or resume possession of property except by action in court. In such action the court may order repayment of prior installments before retaking possession, or a stay of proceedings, or make other provisions unless the defendant's ability to comply with the contract was not materially affected by his military service. [Section 301.]

VII. MORTGAGES.—In case of a mortgage on real estate or personal property, in any proceeding to enforce such obligation against a person in military service, the court may, and on application shall, unless the defendant is not prejudiced by reason of his military service, stay the proceedings or make other disposition of the case. Sale under power of sale contained in such mortgage shall be valid if made during the period of military service or within three months afterward only if approved by the court. [Section 302.]

VIII. LIFE INSURANCE.—In case of life insurance not exceeding face value of \$5,000 held by a man in the service, where contract was made and the premium paid before September 1, 1917, no lapse for non-payment of a premium during the period of such service or one year after its expiration shall be allowed. But the insured person must, within one year after that termination of the period of his service, pay to the insured all premiums with interest. The Bureau of War Risk Insurance is charged

with the duty of looking after lapsed policies and protecting the insurance companies. [Section 402.]

IX. TAXES.—In case taxes falling due during military service on real property owned and occupied continuously during the service for dwelling or business purposes by a person in military service or his dependents are unpaid, he may file an affidavit that his ability to pay is materially affected by such absence. Leave of court must then be obtained before sale of the property to collect the taxes, and the owner has a right to redeem at any time not later than six months after the termination of his period of service. [Section 500.]

X. PUBLIC LANDS.—No rights to the public lands of the United States, acquired prior to entering the military service, shall be forfeited or prejudiced thereby. [Section 501.]

XI. FRAUDULENT ASSIGNMENT.—The court shall proceed without regarding the provisions of this Act where there has been fraudulent assignment for the purpose of improperly obtaining the benefits of this Act. [Section 600.]

XII. SURETIES, GUARANTORS, AND INDORSERS.—The court has discretion to grant to any surety, guarantor, or indorser a stay of the performance or enforcement of any obligation of liability which might be stayed or vacated under the provisions of the Act. [Section 103.]

XIII. GOVERNMENT GUARANTEE OF LIFE INSURANCE PREMIUMS.—As to all policies, both in life insurance companies and in fraternal and beneficial associations, which were issued and a premium actually paid before September 1, 1917, the government will undertake to see that policies up to a total value of \$5,000 (irrespective of how many policies or in how many companies) will not be lapsed for non-payment of premiums.

The six limitations on this protection are these:

1. The policy must have been issued and a premium paid before September 1, 1917; or the membership of a fraternal organization acquired before September 1, 1917.
2. Upon failure to pay premiums for a year before applying for this protection, the government will not protect such policy.
3. If there is outstanding a policy loan or indebtedness which is half of cash surrender value of policy, the government does not guarantee policy.
4. The total amount of insurance on which premiums will be guaranteed is \$5,000 to any one person in service.
5. This guarantee is only as to premiums. It does not apply to the limitations imposed by any "war clause."
6. If policy lapsed before "commencement of service," the government does not protect policy.

Note. For purposes of this Act, "commencement of service" as to all men in service before March 8, 1918, means March 8, 1918; as to men entering service thereafter it means the actual date of their entry.

If the policy was in force at the "commencement of service," thus defined, it can be protected by an application made any time within a year from the date of the first unpaid premium. If the policy is within the Act this application will secure the protection even if the insurance company has marked the policy lapsed for non-payment of premium.

The protection is extended only to insurance on the lives of persons in

service; it does not include dependents. Application can be made *only* by the insured man himself or by a person holding a valid power of attorney.

WAR-RISK INSURANCE

Act of Congress approved October 6, 1917. For full text see Appendix, page 30.

The Act provides, in brief, the following:

1. For the support, during the war, of the families and dependents of enlisted men.

(a) *Allotments of pay*.—Certain proportions of pay are to be withheld by the Government from the man and paid directly to the families or dependents, or for insurance, or for other purposes. Allotment or deposit of one-half of pay may be required in all cases.

(b) *Family allowances*.—In addition to allotments of pay by the man, the United States will pay monthly allowances to the wife, children, and certain dependents.

2. For the protection of officers and enlisted men and their dependents from the hazards of injury, disease, and death.

(a) *Compensation*.—Monthly payments, for disability and death due to injury and disease incurred in the line of duty.

(b) *Insurance*.—Provided by the United States upon application and payment of premium, without medical examination, against total permanent disability and against death. The premium will be at normal peace rates without loading, and the United States will bear the extra cost due to war service. Provision is made for the continuation of the insurance after leaving the service.

MILITARY AND NAVAL PAY DEPOSIT FUND [SEC. 21]*

A separate fund created in the Treasury, for deposit of allotments of pay for the benefit of the men themselves.

These deposits to receive interest at 4 per cent per annum compounded semiannually.

The Secretary of War and the Secretary of the Navy may require every enlisted man to deposit in this fund such proportion of his pay, not otherwise allotted, as will, added to the compulsory allotment, equal one-half pay.

DEFINITIONS FOR THE PURPOSES OF THE ACT [SEC. 22]*

“Military or naval forces” means the Army, the Navy, the Marine Corps, the Coast Guard, the Naval Reserves, the National Naval Volunteers, and any other branch of the United States service while serving pursuant to law with the Army or the Navy.

“Commissioned officer” includes a warrant officer, but includes only an officer in active service.

“Man” or “enlisted man” means person, male or female, in active service in the military or naval forces of the United States, and includes noncommissioned and petty officers and members of training camps.

* Section references cite the sections of the Act which are here summarized.

“Injury” includes disease.

“Pay” means the pay for service in the United States according to grade and length of service, excluding all allowances.

“Child” is limited to an unmarried person either under 18 years of age, or incompetent, and includes, under certain conditions, a stepchild, adopted child, and illegitimate child.

“Parent” includes a parent, grandparent, and step-parent, either of the person in the service or of the spouse.

“Brother” and “sister” include brothers and sisters of the half blood as well as those of the whole blood, stepbrothers and stepsisters, and brothers and sisters through adoption.

The bureau on request shall furnish information to and act for persons in service with respect to insurance as may be prescribed by regulation, and may on request keep records of policies, companies, etc. [Sec. 24.]

Punishment provided for perjury or fraud. [Secs. 25–26.]

ALLOTMENTS AND FAMILY ALLOWANCES

(Applies to enlisted men, not to officers.)

ALLOTMENT OF PAY [SEC. 201]

Allotment of pay, compulsory as to wife (divorced wife in certain cases), compulsory as to child, voluntary as to other persons.

Monthly compulsory allotment shall be in an amount equal to family allowances hereinafter specified but not more than one-half pay, or less than \$15.

The enlisted man may allot any proportion or amount of his pay in addition to the compulsory allotment for such purposes and persons as he may direct, subject to regulations. [Sec. 202.]

The Secretary of War and the Secretary of Navy may require that any proportion of one-half pay which is not allotted shall be deposited in the military and naval pay deposit fund for the benefit of the man. [Sec. 203.]

Compulsory allotment may be waived on written consent of wife, supported by evidence of her ability to support herself and children. [Sec. 201.]

Compulsory allotment may be excused for good cause shown, subject to regulations. [Sec. 201.]

FAMILY ALLOWANCE [SEC. 204]

A family allowance not to exceed \$50, in addition to pay allotted by the man, shall be paid by the United States.

Family allowance shall be paid upon application, which may be made by the man, or made by or in behalf of the beneficiary.

No family allowance shall be made for any period preceding November 1, 1917.

Family allowance will be paid from the time of enlistment, but ceases one month after the termination of the war, or at death in, or one month after discharge from the service.

BENEFICIARIES ENTITLED TO FAMILY ALLOWANCE, AND SCHEDULES

If the enlisted person is a man:

Class A. Wife, child, or children:

- (a) If there be a wife but no child, \$15.
- (b) If there be a wife and one child, \$25.
- (c) If there be a wife and two children, \$32.50, with \$5 per month additional for each additional child.
- (d) If there be no wife, but one child, \$5.
- (e) If there be no wife, but two children, \$12.50.
- (f) If there be no wife, but three children, \$20.
- (g) If there be no wife, but four children, \$30, with \$5 per month additional for each additional child.
- (h) If there is a former wife divorced who has not remarried and to whom alimony has been decreed, \$15.

Class B. Grandchild, parent, brother or sister:

- (a) If there be one parent, \$10.
- (b) If there be two parents, \$20.
- (c) For each grandchild, brother, sister, and additional parent, \$5.

If the enlisted person is a woman:

Class A. (None.)

Class B. Child, grandchild, parent, brother or sister:

- (a) If there be one parent, \$10.
- (b) If there be two parents, \$20.
- (c) For each grandchild, brother, sister, and additional parent, \$5.
- (d) If there be one child, \$5.
- (e) If there be two children, \$12.50.
- (f) If there be three children, \$20.
- (g) If there be four children, \$30, with \$5 per month additional for each additional child.

Family allowances for class A shall be paid only if and while a compulsory allotment is made to a member or members of such class. [Sec. 205.]

Family allowances to members of class B shall be paid only if and while the member is dependent in whole or in part on the enlisted man, and only if and while an allotment of pay is made to a member or members of such class. [Sec. 206.]

The total monthly allowance to beneficiaries of Class B added to the enlisted man's monthly allotment to them shall not exceed the average sum habitually contributed by him to their support monthly.

The commissioner after investigation shall make an award, on which the amount of allotments shall be determined.

The commissioner shall have continuing jurisdiction over his awards.

The amount of each monthly allotment and allowance shall be determined according to the conditions then existing. [Sec. 210.]

COMPENSATION FOR DEATH OR DISABILITY [SEC. 300]

Compensation is payable to officers and enlisted men and to members of the Army Nurse Corps or of the Navy Nurse Corps when employed in active service under the War or Navy Department.

Compensation shall be payable for death or disability resulting from personal injury suffered or disease contracted in line of duty, unless caused by the person's own willful misconduct.

The compensation shall be paid by the United States without contributions from the persons protected.

COMPENSATION IN CASE OF DEATH [SEC. 301]

TO FAMILY.—The persons entitled to receive compensation in case of death are the widow, children, and dependent mother or father, or both, of the deceased.

The amounts payable monthly are fixed and are not based upon the pay of the deceased:

- (a) For a widow alone, \$25.
- (b) For a widow and one child, \$35.
- (c) For a widow and two children, \$42.50, with \$5 for each additional child up to two.
- (d) If there be no widow, then for one child, \$20.
- (e) For two children, \$30.
- (f) For three children, \$40, with \$5 for each additional child up to two.
- (g) For a mother or dependent father, \$20 each, or both, \$30. The amount payable under this subdivision shall not be greater than a sum which, when added to the total amount payable to the widow and children, does not exceed \$75.

Compensation to a widow or widowed mother shall continue until death or remarriage.

Compensation to a child shall cease at the age of 18, or at marriage, unless the child is incompetent.

FUNERAL ALLOWANCE.—The United States shall pay burial expenses not to exceed \$100.

COMPENSATION IN CASE OF TOTAL DISABILITY [SEC. 302]

During the continuance of total disability, monthly compensation shall be paid to the injured person.

The amounts payable monthly are fixed and are not based upon the pay of the injured person:

- (a) If he has neither wife nor child living, \$30.
- (b) If he has a wife but no child living, \$45.
- (c) If he has a wife and one child living, \$55.
- (d) If he has a wife and two children living, \$65.
- (e) If he has a wife and three or more children living, \$75.
- (f) If he has no wife but one child living, \$40, with \$10 for each additional child up to two.
- (g) If he has a widowed mother dependent upon him for support, then, in addition to the above amounts, \$10.

To an injured person who is totally disabled and in addition so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding \$20 per month, as the director may deem reasonable.

For certain specified conditions, or if the injured person is permanently bedridden, \$100 monthly compensation is provided. (But no allowance for a nurse shall be made.)

COMPENSATION IN CASE OF PARTIAL DISABILITY

The amount of compensation in case of partial disability is a percentage of the compensation provided in case of total disability.

The percentage is equal to the reduction in earning capacity resulting from the injury.

A schedule of disability ratings has been adopted, based upon average impairments of earning capacity in civil occupations resulting from specific injuries of a permanent nature.

PROVISIONS RELATING TO DISABILITY

In addition to compensation the United States furnishes medical, surgical, and hospital services, and supplies.

Provision is made for frequent examinations of the disabled.

Every person in receipt of compensation shall submit to reasonable treatment. [Sec. 303.]

Sec. 304. [This section was repealed by act of June 27, 1918—vocalional rehabilitation act—Public—No. 178—65th Cong.]

The bureau has continuing jurisdiction over compensation cases. [Sec. 305.]

CONDITIONS GOVERNING COMPENSATION

Death or disability, to be compensable, must occur while in the service or within one year after discharge or resignation.

Except that, if the injured person, within one year after leaving the service, shall undergo a medical examination and obtain a certificate that at the time of his discharge or resignation from the service he was suffering from an injury likely to cause death or disability, compensation shall be payable whenever death or disability resulting from such injury occurs. [Sec. 306.]

Compensation shall not be payable for death in the course of the service until the death be officially recorded.

No compensation shall be payable for a period in which the man has been reported "missing" and a family allowance has been paid for him. [Sec. 307.]

Death inflicted as a punishment for a crime or military offense is not compensable unless it is inflicted by the enemy.

Dishonorable discharge is a bar to any compensation. [Sec. 308.]

Compensation is not assignable and is exempt from attachment, execution, and from all taxation. [Sec. 311.] [See Sec. 28.]

Compensation shall not be paid while the person is in receipt of service or retirement pay.

Except as rights have heretofore accrued, existing laws providing payments in the event of death in the service and existing pension laws shall not be applicable to persons now or hereafter in the service.

Compensation to members of the Army Nurse Corps or of the Navy Nurse Corps is in lieu of compensation under the act of September 7, 1916. [Sec. 312.]

WHEN CLAIM MUST BE FILED

In case of disability, claim must be filed within five years after discharge or resignation from the service; or, if the disability occur after leaving the service, within five years after the beginning of disability.

In case of death during service, the claim must be filed within five years after the death is officially recorded.

In case of death after discharge or resignation from the service, the claim must be filed within five years after death. [Sec. 309.]

No compensation shall be payable for any period more than two years prior to the date of claim. [Sec. 310.]

INSURANCE

Insurance against death or total permanent disability is provided by the United States and made available to every officer and enlisted man and to members of the Army Nurse Corps and Navy Nurse Corps when employed in active service under the War and Navy Departments.

Insurance must be in multiples of \$500 and not less than \$1,000 or more than \$10,000.

Insurance is granted upon application to, and payment of premium to, the bureau.

Insurance is granted without medical examination. [Sec. 400.]

Insurance must be applied for within 120 days after enlistment and before discharge or resignation from the service. [Sec. 401.]

The premiums are payable monthly, and are determined upon age, as follows:

| Age | Premium For | Per Month | Per Year |
|------------|-------------|-----------|----------|
| 21 } | { \$ 1,000 | \$.65 | \$ 7.80 |
| 22 } | { 10,000 | 6.50 | 78.00 |
| 23 } | { 1,000 | .66 | 7.92 |
| 24 } | { 10,000 | 6.60 | 79.20 |
| 25 } | { 1,000 | .67 | 8.04 |
| 26 } | { 10,000 | 6.70 | 80.40 |
| 27 } | { 1,000 | .68 | 8.16 |
| 28 } | { 10,000 | 6.80 | 81.60 |
| 29 } | { 1,000 | .69 | 8.28 |
| 30 } | { 10,000 | 6.90 | 82.80 |

NOTE.—These provisions do not apply to men between the ages of 18-20 and 31-45 inclusive, called under the Act of Congress approved August 31, 1918.

AUTOMATIC INSURANCE

Any person in active service on or after the 6th of April, 1917, is insured automatically until February 12, 1918, unless he has applied for insurance to take effect at an earlier date.

The protection thus given is against death and against total permanent disability occurring, while in active service, from April 6, 1917, to February 12, 1918, inclusive.

If the insured person die, without having become so disabled, during the period stated, monthly installments of \$25 each will be paid his wife during widowhood or to his child, or widowed mother while they survive him, but not more than 240 installments shall be so paid.

If the insured person becomes totally and permanently disabled during the period stated he will receive an income payable in monthly installments of \$25 each during disability. If he die, like installments are payable to the wife during her widowhood or to the child or widowed mother while they survive him, but not more than 240 installments less

the number of installments that may have been paid to the insured while disabled shall be so paid. [Sec. 402.]

INSURANCE DETAILS

Insurance is not assignable or subject to claims of creditors of the insured or of the beneficiaries.

Insurance is payable only to a wife or husband, child, grandchild, parent, brother, or sister of the injured or to himself. (Automatic insurance is payable only to a wife, child, or widowed mother.)

Insurance is payable in 240 monthly installments, except that in the case of total permanent disability monthly installments will be continued throughout the duration of disability.

Provisions for endowment, continuous installments, surrender values, dividends, etc., as may be reasonable, are provided by regulation.

The insured has the right to change the beneficiary without consent, but only within the permitted class.

If no beneficiary within the permitted class be designated by the insured, either in his lifetime or by his will, or if the designated beneficiary does not survive the insured, the insurance (or if any beneficiary survives the insured but does not receive all the installments, then the remaining installments) shall be payable to such person or persons, within the permitted class of beneficiaries, as would under the laws of the State of the residence of the insured be entitled to his personal property in case of intestacy. If no such person survive the insured, then there shall be paid to the estate of the insured an amount equal to the reserve value, if any, of the insurance at the time of his death. [Sec. 402.]

The United States bears the expense of administration and the excess mortality and disability cost resulting from hazards of war.

Premium rates shall be net rates, based upon the American Experience Table of Mortality, and $3\frac{1}{2}$ per cent interest. Such rates do not include any provision for expenses. [Sec. 403.]

During the period of the war and for five years thereafter, unless sooner converted, the insurance shall be term insurance for successive terms of one year each.

Not later than five years after the termination of the war the insured shall have the right to convert this term insurance into any of the usual forms of insurance at the net premium rate for such forms of insurance.

No medical examination can be required as a condition of converting the insurance.

Unless the privilege of conversion is exercised the insurance can not be continued after the expiration of the five-year period.

To carry out the privilege of conversion, ordinary life insurance, 20-payment life-insurance, endowment maturing at age 62, and other usual forms of insurance are provided.

Premiums are not required for more than one month in advance and may be deducted from the pay or deposit of the insured.

BUILDING AND LOAN ASSOCIATIONS

As many men about to enter the service are stockholders in building associations, it is necessary that their rights as stockholders should be

protected, and a person authorized to act for them as to withdrawal or cancellation of shares and payment of dues.

Many building association mortgages are held against the property of draftees, and as the maturity of shares occur, mortgages will be paid off. It is necessary that the person intrusted with power of attorney should see to the satisfaction of such mortgages and represent the stockholders in payment of matured shares.

[See Acts of Assembly: Act of April 29, 1874, Section 37, P. L. 73; Act of April 10, 1879, P. L. 16; Act of May 14, 1913, P. L. 205; Act of July 5, 1917, P. L. 675.]

DECEDENT'S ESTATES

The attention of men about to enter the naval or military service should be called to recent testamentary legislation in Pennsylvania. For the purpose of facilitating this, references are made to the Acts of Assembly:

(1) *The Intestate Act*.—The Intestate Act of June 7, 1917, P. L. 429, relates to the descent and distribution of the real and personal property of persons dying intestate and also to the administrative functions of the Orphans' Courts. This Act was effective December 31, 1917.

(2) *The Fiduciaries' Act*.—The Fiduciaries' Act of June 7, 1917, P. L. 447, relates to the administration and distribution of the estates of decedents and of minors, and all trust estates, including the appointment of all persons acting in Fiduciary capacity.

(3) *The Wills Act*.—The Wills Act of June 7, 1917, P. L. 403, relates to the form, execution, revocation, and interpretation of wills, to non-cupative wills, to the appointment of testamentary guardians, to spend-thrift trusts forfeiture, and elections to take under or against wills. This Act went into effect December 31, 1917. Section 5 of this Act relates to the wills of marines and soldiers in actual military service, and provides that he may dispose of his personal property as he might have done before the making of this Act. Wills of such persons, though oral, must, however, be proved by two witnesses. Smith's Will 6 Philadelphia, 104.

EXEMPTION FROM CIVIL PROCESS

In addition to the protection afforded by the Federal Civil Relief Act of March 8, 1918, the Pennsylvania Act of May 5, 1911, P. L. 131, Section 60, exempts persons engaged in active military service from civil process and extends such exemption thirty days after they shall be relieved from active service.

PENNSYLVANIA STATE ALLOWANCE

The Act of June 7, 1917, P. L. 600, provides that appointive officers and employees, employed by the Commonwealth of Pennsylvania in its Civil Service or by any Department Bureau, county, municipality, township or school district, shall not be deemed to have resigned their employment by reason of enlistment or draft in the military or naval service of

the United States, and further provides that half of the salary or wages of such officers or employees as have dependent wives, children, or parents, and not exceeding \$2,000 per annum, be paid during the term of their service in the army or navy to such dependents.

GUARDIANSHIP AND CUSTODY OF CHILDREN

See Section 8 of the Wills Act, 1917, and Section 59 of the Fiduciaries' Act, 1917.

TRUSTS AND TRUSTEES

Many cases will arise in which draftees who are the owners of real estate will desire the services of a trustee. Whether the trustee shall be an individual or a trust company may depend on the nature of the trust and also upon the provision which the draftee has made for his family by will.

It is desirable that wills be deposited in safe keeping, and it is suggested that arrangements be made with local trust companies or banks to act as depositary without charge.

APPENDIX

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT

(Approved March 8, 1918)

[PUBLIC—NO. 103—65TH CONGRESS.]

[H. R. 6361.]

An Act to extend protection to the civil rights of members of the Military and Naval Establishments of the United States engaged in the present war.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

ARTICLE I

GENERAL PROVISIONS

SEC. 100. That for the purpose of enabling the United States the more successfully to prosecute and carry on the war in which it is at present engaged, protection is hereby extended to persons in military service of the United States in order to prevent prejudice or injury to their civil rights during their term of service and to enable them to devote their entire energy to the military needs of the Nation, and to this end the following provisions are made for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in such service during the continuance of the present war.

SEC. 101. (1) That the term "persons in military service," as used in this Act, shall include the following persons and no others: All officers and enlisted men of the Regular Army, the Regular Army Reserve, *the Officers' Reserve Corps*, and the Enlisted Reserve Corps; all officers and enlisted men of the National Guard and National Guard Reserve recog-

nized by the Militia Bureau of the War Department; all forces raised under the Act entitled "An Act to authorize the President to increase temporarily the Military Establishment of the United States," approved May eighteenth, nineteen hundred and seventeen; all officers and enlisted men of the Navy, the Marine Corps, and the Coast Guard; all officers and enlisted men of the Naval Militia, Naval Reserve force, Marine Corps Reserve, and National Naval Volunteers recognized by the Navy Department; all officers of the Public Health Service detailed by the Secretary of the Treasury for duty either with the Army or the Navy; any of the personnel of the Lighthouse Service and of the Coast and Geodetic Survey transferred by the President to the service and jurisdiction of the War Department or of the Navy Department; members of the Nurse Corps; Army field clerks; field clerks, Quartermaster Corps; civilian clerks and employees on duty with the military forces detailed for service abroad in accordance with provisions of existing law; and members of any other body who have heretofore or may hereafter become a part of the military or naval forces of the United States. The term "military service," as used in this definition, shall signify active service in any branch of service heretofore mentioned or referred to, *but reserves and persons on the retired list shall not be included in the term "persons in military service" until ordered to active service.* The term "active service" shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(2) The term "period of military service," as used in this Act, shall include the time between the following dates: For persons in active service at the date of the approval of this Act it shall begin with the date of approval of this Act; for persons entering active service after the date of this Act, with the date of entering active service. It shall terminate with the date of discharge from active service or death while in active service, but in no case later than the date when this Act ceases to be in force.

(3) The term "person," as used in this Act, with reference to the holder of any right alleged to exist against a person in military service or against a person secondarily liable under such right, shall include individuals, partnerships, corporations, and any other forms of business association.

(4) The term "court" as used in this Act shall include any court of competent jurisdiction of the United States or of any State, whether or not a court of record.

(5) The term "termination of the war" as used in this Act shall mean the termination of the present war by the treaty of peace as proclaimed by the President.

SEC. 102. (1) That the provisions of this Act shall apply to the United States, the several States and Territories, the District of Columbia, and all territory subject to the jurisdiction of the United States, and to proceedings commenced in any court therein, and shall be enforced through the usual forms of procedure obtaining in such courts or under such regulations as may be by them prescribed.

(2) When under this Act any application is required to be made to a court in which no proceeding has already been commenced with respect to the matter, such application may be made to any court.

SEC. 103. Whenever pursuant to any of the provisions of this Act the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment, or decree, or the performance of any other act, may be stayed, postponed, or suspended, such stay, postponement, or suspension may, in the discretion of the court, likewise be granted to sureties, guarantors, indorsers, and others subject to the obligation or liability, the performance or enforcement of which is stayed, postponed, or suspended.

When a judgment or decree is vacated or set aside in whole or in part, as provided in this Act, the same may, in the discretion of the court, likewise be set aside and vacated as to any surety, guarantor, indorser, or other person liable upon the contract or liability for the enforcement of which the judgment or decree was entered.

ARTICLE II

GENERAL RELIEF

SEC. 200. That in any action or proceeding commenced in any court if there shall be a default of an appearance by the defendant the plaintiff before entering judgment shall file in the court an affidavit setting forth facts showing that the defendant is not in military service. If unable to file such affidavit plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in the military service or that plaintiff is not able to determine whether or not defendant is in such service. If an affidavit is not filed showing that the defendant is not in the military service, no judgment shall be entered without first securing an order of court directing such entry, and no such order shall be made if the defendant is in such service until after the court shall have appointed an attorney to represent defendant and protect his interest and the court shall on application make such appointment. Unless it appears that the defendant is not in such service the court may require as a condition before judgment is entered that the plaintiff file a bond approved by the court conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any judgment should the judgment be thereafter set aside in whole or in part. And the court may make such other and further order or enter such judgment as in its opinion may be necessary to protect the rights of the defendant under this Act.

(2) Any person who shall make or use an affidavit required under this section knowing it to be false shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year or by fine not to exceed \$1,000, or both.

(3) In any action or proceeding in which a person in military service is a party if such party does not personally appear therein or is not represented by an authorized attorney, the court may appoint an attorney to represent him; and in such case a like bond may be required and an order made to protect the rights of such person. But no attorney appointed under this Act to protect a person in military service shall have power to waive any right of the person for whom he is appointed or bind him by his acts.

(4) If any judgment shall be rendered in any action or proceeding

governed by this section against any person in military service during the period of such service or within thirty days thereafter, and it appears that such person was prejudiced by reason of his military service in making his defense thereto, such judgment may, upon application, made by such person or his legal representative, not later than ninety days after the termination of such service, be opened by the court rendering the same and such defendant or his legal representative let in to defend; provided it is made to appear that the defendant has a meritorious or legal defense to the action or some part thereof. Vacating, setting aside, or reversing any judgment because of any of the provisions of this Act shall not impair any right or title acquired by any bona fide purchaser for value under such judgment.

SEC. 201. That at any stage thereof any action or proceeding commenced in any court by or against a person in military service during the period of such service or within sixty days thereafter may, in the discretion of the court in which it is pending, on its own motion, and shall, on application to it by such person or some person on his behalf, be stayed as provided in this Act, unless, in the opinion of the court, the ability of plaintiff to prosecute the action or the defendant to conduct his defense is not materially affected by reason of his military service.

SEC. 202. That when an action for compliance with the terms of any contract is stayed pursuant to this Act no fine or penalty shall accrue by reason of failure to comply with the terms of such contract during the period of such stay, and in any case where a person fails to perform any obligation and a fine or penalty for such nonperformance is incurred a court may, on such terms as may be just, relieve against the enforcement of such fine or penalty if it shall appear that the person who would suffer by such fine or penalty was in the military service when the penalty was incurred and that by reason of such service the ability of such person to pay or perform was thereby materially impaired.

SEC. 203. That in any action or proceeding commenced in any court against a person in military service, before or during the period of such service, or within sixty days thereafter, the court may, in its discretion, on its own motion, or on application to it by such person or some person on his behalf shall, unless in the opinion of the court the ability of the defendant to comply with the judgment or order entered or sought is not materially affected by reason of his military service:

(1) Stay the execution of any judgment or order entered against such person, as provided in this Act, and

(2) Vacate or stay any attachment or garnishment of property, money, or debts in the hands of another, whether before or after judgment, as provided in this Act.

SEC. 204. That any stay of any action, proceeding, attachment, or execution, ordered by any court under the provisions of this Act may, except as otherwise provided, be ordered for the period of military service and three months thereafter or any part of such period, and subject to such terms as may be just, whether as to payment in installments of such amounts and at such times as the court may fix or otherwise. Where the person in military service is a codefendant with others the plaintiff may nevertheless by leave of court proceed against the others.

SEC. 205. That the period of military service shall not be included in computing any period now or hereafter to be limited by any law for the bringing of any action by or against any person in military service or by or against his heirs, executors, administrators, or assigns, whether such cause of action shall have accrued prior to or during the period of such service.

ARTICLE III

RENT, INSTALLMENT CONTRACTS, MORTGAGES

SEC. 300. (1) That no eviction or distress shall be made during the period of military service in respect of any premises for which the agreed rent does not exceed \$50 per month, occupied chiefly for dwelling purposes by the wife, children, or other dependents of a person in military service, except upon leave of court granted upon application therefor or granted in an action or proceeding affecting the right of possession.

(2) On any such application or in any such action the court may, in its discretion, on its own motion, and shall, on application, unless in the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of such military service, stay the proceedings for not longer than three months, as provided in this Act, or it may make such other order as may be just.

(3) Any person who shall knowingly take part in any eviction or distress otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed one year or by fine not to exceed \$1,000, or both.

(4) The Secretary of War or the Secretary of the Navy, as the case may be, is hereby empowered, subject to such regulations as he may prescribe, to order an allotment of the pay of a person in military service in reasonable proportion to discharge the rent of premises occupied for dwelling purposes by the wife, children, or other dependents of such person.

SEC. 301. (1) That no person who has received, or whose assignor has received, under a contract for the purchase of real or personal property, or of lease or bailment with a view to purchase of such property, a deposit or installment of the purchase price from a person or from the assignor of a person who, after the date of payment of such deposit or installment, has entered military service, shall exercise any right or option under such contract to rescind or terminate the contract or resume possession of the property for non-payment of any installment falling due during the period of such military service, except by action in a court of competent jurisdiction.

(1a) Any person who shall knowingly resume possession of property which is the subject of this section otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed \$1,000, or both.

(2) Upon the hearing of such action the court may order the repayment of prior installments or deposits or any part thereof, as a condition of terminating the contract and resuming possession of the property, or may, in its discretion, on its own motion, and shall, on application to it by such person in military service or some person on his behalf, order a

stay of proceedings as provided in this Act unless, in the opinion of the court, the ability of the defendant to comply with the terms of the contract is not materially affected by reason of such service; or it may make such other disposition of the case as may be equitable to conserve the interests of all parties.

SEC. 302. (1) That the provisions of this section shall apply only to obligations originating prior to the date of approval of this Act and secured by mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by a person in military service at the commencement of the period of the military service and still so owned by him.

(2) In any proceeding commenced in any court during the period of military service to enforce such obligation arising out of nonpayment of any sum thereunder due or out of any other breach of the terms thereof occurring prior to or during the period of such service, the court may, after hearing, in its discretion, on its own motion, and shall, on application to it by such person in military service or some person on his behalf, unless in the opinion of the court the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of his military service—

(a) Stay the proceedings as provided in this Act; or

(b) Make such other disposition of the case as may be equitable to conserve the interests of all parties.

(3) No sale under a power of sale or under a judgment entered upon warrant of attorney to confess judgment contained in any such obligation shall be valid if made during the period of military service or within three months thereafter, unless upon an order of sale previously granted by the court and a return thereto made and approved by the court.

ARTICLE IV

INSURANCE

SEC. 400. That in this Article the term "policy" shall include any contract of life insurance on the level premium or legal reserve plan. It shall also include any benefit in the nature of life insurance arising out of membership in any fraternal or beneficial association; the term "premium" shall include membership dues or assessments in such association, and the date of issuance of policy as herein limited shall refer to the date of admission to membership in such association; the term "insured" shall include any person who is the holder of a policy as defined in this Article; the term "insurer" shall include any corporation, partnership, or other form of association which secures or provides insurance under any policy as defined in this Article.

SEC. 401. That the benefits of this Article shall apply to any person in military service who is the holder of a policy of life insurance, when such holder shall apply for such benefits on a form prepared in accordance with regulations which shall be prescribed by the Secretary of the Treasury. Such form shall set forth particularly that the application therein made is a consent to such modification of the terms of the original contract of insurance as are made necessary by the provisions of this Article and by receiving and filing the same the insurer shall be deemed

to have assented thereto, to the extent, if any, to which the policy on which the application is made is within the provisions of this Article. The original of such application shall be sent by the insured to the insurer, and a copy thereof to the Bureau of War Risk Insurance.

The Bureau of War Risk Insurance shall issue through suitable military and naval channels a notice explaining the provisions of this Article and shall furnish forms to be distributed to those desiring to make application for its benefits.

SEC. 402. That the benefits of this Act shall be available to any person in military service in respect of contracts of insurance in force under their terms up to but not exceeding a face value of \$5,000, irrespective of the number of policies held by such person whether in one or more companies, when such contracts were made and a premium was paid thereon before September first, nineteen hundred and seventeen; but in no event shall the provisions of this Article apply to any policy on which premiums are due and unpaid for a period of more than one year at the time when application for the benefits of this Article is made or in respect of any policy on which there is outstanding a policy loan or other indebtedness equal to or greater than fifty per centum of the cash surrender value of the policy.

SEC. 403. That the Bureau of War Risk Insurance shall, subject to regulations, which shall be prescribed by the Secretary of the Treasury, compile and maintain a list of such persons in military service as have made application for the benefits of this Article, and shall (1) reject any applications for such benefits made by persons who are not persons in military service; (2) reject any applications for such benefits in excess of the amount permitted by section four hundred and two; and (3) reject any applications in respect of contracts of insurance otherwise not entitled to the benefits of this Article. Said bureau shall immediately notify the insurer and the insured in writing of every rejection or approval.

SEC. 404. That when one or more applications are made under this Article by any one person in military service in respect of insurance exceeding a total face value of \$5,000, whether on one or more policies or in one or more companies, and the insured shall not in his application indicate an order of preference, the Bureau of War Risk Insurance shall reject such policies as have the inferior cash surrender value, so as to reduce the total benefits conferred within the face value of \$5,000, and where necessary for this purpose shall direct the insurer to divide any policy into two separate policies. The said bureau shall immediately notify the insurer and the insured in writing of such selection.

SEC. 405. That no policy which has not lapsed for the nonpayment of premium before the commencement of the period of military service of the insured, and which has been brought within the benefits of this Article, shall lapse or be forfeited for the nonpayment of premium during the period of such service or during one year after the expiration of such period: *Provided*, That in no case shall this prohibition extend for more than one year after the termination of the war.

SEC. 406. That within the first fifteen days of each calendar month after the date of approval of this Act until the expiration of one year after the termination of the war, every insurance corporation or association to which application has been made as herein provided, for the

benefits of this Article, shall render to the Bureau of War Risk Insurance a report, duly verified, setting forth the following facts:

First. The names of the persons who have applied for such benefits, and the face value of the policies in respect of which such benefits have been applied for by such persons, during the preceding calendar month;

Second. A list as far as practicable of the premiums in respect of policies entitled to the benefits of this Article which remain unpaid on the last day of the preceding calendar month, which day is at least thirty-one days after the due date of the premiums, provided such premiums have not previously been so reported as in default;

Third. A list of premiums which, having been previously reported as in default, have been paid by the policyholder or some one on his behalf in whole or in part during the preceding calendar month;

Fourth. A computation of the difference between the total amount of defaulted premiums therein reported and the total amount of premiums paid as therein reported, after having been previously reported as in default. From this sum shall be deducted the total sum of any premiums previously reported as in default, upon policies in respect of which the Bureau of War Risk Insurance has, since the date of such report, rejected an application for the benefits of this Article. The final sum so arrived at shall be denominated the monthly difference.

SEC. 407. That the Bureau of War Risk Insurance shall verify the computation of monthly difference reported by each insurer, and shall certify it, as corrected, to the Secretary of the Treasury and the insurer.

SEC. 408. That the Secretary of the Treasury shall, within ten days thereafter, deliver each month to the proper officer of each insurer, bonds of the United States to the amount of that multiple of \$100 nearest to the monthly difference certified in respect of each insurer. Such bonds shall be registered in the names of the respective insurers, who shall be entitled to receive the interest accruing thereon, and such bonds shall not be transferred, or again registered, except upon the approval of the Director of the Bureau of War Risk Insurance, and shall remain in the possession of the insurer until settlement is made in accordance with this Article: *Provided*, That whenever the fact of insolvency shall be ascertained by the Director of the Bureau of War Risk Insurance all obligation on the part of the United States, under this Article, for future premiums on policies of such insurer shall thereupon terminate. An insurer shall furnish semiannual statements to the Bureau of War Risk Insurance.

SEC. 409. That the bonds so delivered shall be held by the respective insurers as security for the payment of the defaulted premiums with interest. To indemnify it against loss the United States shall have a first lien upon any policy receiving the benefits of this Article, subject only to any lien existing at the time the policy became subject to this Act, and no loan or settlement or payment of dividend shall be made by the insurer on such policy which may prejudice the security of such lien. Before any dividend is paid or any loan or settlement is made the written consent of the Bureau of War Risk Insurance must be obtained.

SEC. 410. That in the event that the military service of any person being the holder of a policy receiving the benefits of this Article shall be terminated by death, the amount of any unpaid premiums, with interest

at the rate provided for in the policy for policy loans, shall be deducted from the proceeds of the policy and shall be included in the next monthly report of the insurer as premiums paid.

SEC. 411. That if the insured does not within one year after the termination of his period of military service pay to the insurer all past due premiums with interest thereon from their several due dates at the rate provided in the policy for policy loans, the policy shall at the end of such year immediately lapse and become void, and the insurer shall thereupon become liable to pay the cash surrender value thereof, if any: *Provided*, That if the insured is in the military service at the termination of the war such lapse shall occur and surrender value be payable at the expiration of one year after the termination of the war.

SEC. 412. That at the expiration of one year after the termination of the war there shall be an account stated between each insurer and the United States, in which the following items shall be credited to the insurer:

(1) The total amount of the monthly differences reported under this Article;

(2) The difference between the total interest received by the insurer upon the bonds held by it as security and the total interest upon such monthly differences at the rate of five per centum per annum; and in which there shall be credited to the United States the amount of the cash surrender value of each policy lapsed or forfeited as provided in section four hundred and eleven, but not in any case a greater amount on any policy than the total of the unpaid premiums with interest thereon at the rate provided for in the policy for policy loans.

SEC. 413. That the balance in favor of the insurer shall, in each case, be paid to it by the United States upon the surrender by the insurer of the bonds delivered to it from time to time by the Secretary of the Treasury under the provisions of this Article.

SEC. 414. That this Article shall not apply to any policy which is void or which may at the option of the insurer be voidable, if the insured is in military service, either in this country or abroad, nor to any policy which as a result of being in military service, either in this country or abroad, provides for the payment of any sum less than the face thereof or for the payment of an additional amount as premium.

SEC. 415. That this Article shall apply only to insurance companies or associations which are required by the law under which they are organized or doing business to maintain a reserve, or, which if not so required, have made or shall make provision for the collection from all those insured in such insurer of a premium to cover the special war risk of those insured persons who are in military service.

ARTICLE V

TAXES AND PUBLIC LANDS

SEC. 500. (1) That the provisions of this section shall apply when any taxes or assessments, whether general or special, falling due during the period of military service in respect of real property owned and occupied for dwelling or business purposes by a person in military service or his dependents at the commencement of his period of military service and still so occupied by his dependents or employees are not paid.

(2) When any person in military service, or any person in his behalf, shall file with the collector of taxes, or other officer whose duty it is to enforce the collection of taxes or assessments, an affidavit showing (a) that a tax or assessment has been assessed upon property which is the subject of this section, (b) that such tax or assessment is unpaid, and (c) that by reason of such military service the ability of such person to pay such tax or assessment is materially affected, no sale of such property shall be made to enforce the collection of such tax or assessment, or any proceeding or action for such purpose commenced, except upon leave of court granted upon an application made therefor by such collector or other officer. The court thereupon may stay such proceedings or such sale, as provided in this Act, for a period extending not more than six months after the termination of the war.

(3) When by law such property may be sold or forfeited to enforce the collection of such tax or assessment, such person in military service shall have the right to redeem or commence an action to redeem such property, at any time not later than six months after the termination of such service, but in no case later than six months after the termination of the war; but this shall not be taken to shorten any period, now or hereafter provided by the laws of any State or Territory for such redemption.

(4) Whenever any tax or assessment shall not be paid when due, such tax or assessment due and unpaid shall bear interest until paid at the rate of six per centum per annum, and no other penalty or interest shall be incurred by reason of such nonpayment. Any lien for such unpaid taxes or assessment shall also include such interest thereon.

SEC. 501. That no right to any public lands initiated or acquired prior to entering military service by any person under the homestead laws, the desert-land laws, the mining-land laws, or any other laws of the United States, shall be forfeited or prejudiced by reason of his absence from such land, or of his failure to perform any work or make any improvements thereon, or to do any other act required by any such law during the period of such service. Nothing in this section contained shall be construed to deprive a person in military service or his heirs or devisees of any benefits to which he or they may be entitled under the Act entitled "An Act for the relief of homestead entrymen or settlers who enter the military or naval service of the United States in time of war," approved July twenty-eighth, nineteen hundred and seventeen; the Act entitled "An Act for the protection of desert-land entrymen who enter the military or naval service of the United States in time of war," approved August seventh, nineteen hundred and seventeen; the Act entitled "An Act to provide further for the national security and defense by stimulating agriculture and facilitating the distribution of agricultural products," approved August tenth, nineteen hundred and seventeen; the joint resolution "To relieve the owners of mining claims who have been mustered into the military or naval service of the United States as officers or enlisted men from performing assessment work during the term of such service," approved July seventeenth, nineteen hundred and seventeen; or any other Act or resolution of Congress: *Provided*, That nothing in this section contained shall be construed to limit or affect the right of a person in the military service to take any action during his term of service that may be authorized by law, or the regulations of the Interior

Department thereunder, for the perfection, defense, or further assertion of rights initiated prior to the date of entering military service, and it shall be lawful for any person while in military service to make any affidavit or submit any proof that may be required by law, or the practice of the General Land Office in connection with the entry, perfection, defense, or further assertion of any rights initiated prior to entering military service, before the officer in immediate command and holding a commission in the branch of the service in which the party is engaged, which affidavits shall be as binding in law and with like penalties as if taken before the Register of the United States Land Office.

ARTICLE VI

ADMINISTRATIVE REMEDIES

SEC. 600. That where in any proceeding to enforce a civil right in any court it is made to appear to the satisfaction of the court that any interest, property, or contract has since the date of the approval of this Act been transferred or acquired with intent to delay the just enforcement of such right by taking advantage of this Act, the court shall enter such judgment or make such order as might lawfully be entered or made the provisions of this Act to the contrary notwithstanding.

SEC. 601. (1) That in any proceeding under this Act a certificate signed by The Adjutant General of the Army as to persons in the Army or in any branch of the United States service while serving pursuant to law with the Army, signed by the Chief of the Bureau of Navigation of the Navy Department as to persons in the Navy or in any other branch of the United States service while serving pursuant to law with the Navy, and signed by the Major General, Commandant, United States Marine Corps, as to persons in the Marine Corps, or in any other branch of the United States service while serving pursuant to law with the Marine Corps, or signed by an officer designated by any of them, respectively, for the purpose, shall when produced be *prima facie* evidence as to any of the following facts stated in such certificate:

That a person named has not been, or is, or has been in military service; the time when and the place where such person entered military service, his residence at that time, and the rank, branch, and unit of such service that he entered, the dates within which he was in military service, the monthly pay received by such person at the date of issuing the certificate, the time when and place where such person died in or was discharged from such service.

It shall be the duty of the foregoing officers to furnish such certificate on application, and any such certificate when purporting to be signed by any one of such officers or by any person purporting upon the face of the certificate to have been so authorized shall be *prima facie* evidence of its contents and of the authority of the signer to issue the same.

(2) Where a person in military service has been reported missing he shall be presumed to continue in the service until accounted for, and no period herein limited which begins or ends with the death of such person shall begin or end until the death of such person is in fact reported to or found by the Department of War or Navy, or any court or board thereof, or until such death is found by a court of competent jurisdiction:

Provided, That no period herein limited which begins or ends with the death of such person shall be extended hereby beyond a period of six months after the termination of the war.

SEC. 602. That any interlocutory order made by any court under the provisions of this Act may, upon the court's own motion or otherwise, be revoked, modified, or extended by it upon such notice to the parties affected as it may require.

SEC. 603. That this Act shall remain in force until the termination of the war, and for six months thereafter: *Provided*, That wherever under any section or provision of this Act a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided, the due exercise or enjoyment of which may extend beyond the period herein fixed for the termination of this Act, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of the proceeding, remedy, privilege, stay, limitation, accounting, or transaction aforesaid.

SEC. 604. That this Act may be cited as the Soldiers' and Sailors' Civil Relief Act.

Approved, March 8, 1918.

THE WAR RISK INSURANCE ACT

(WITH AMENDMENTS PRIOR TO JULY 1, 1918)

THIS PUBLICATION CONTAINS ONLY THE PROVISIONS RELATING TO THE DIVISION
OF MILITARY AND NAVAL INSURANCE

AN ACT To authorize the establishment of a Bureau of War Risk Insurance in the
Treasury Department.

* * * * *

*Be it enacted by the Senate and House of Representatives of the United
States of America in Congress assembled,*

ARTICLE I

SECTION 1. That there is established in the Treasury Department a Bureau to be known as the Bureau of War Risk Insurance, the director of which shall receive a salary at the rate of \$5,000 per annum.

That there be in such bureau a Division of Marine and Seamen's Insurance and a Division of Military and Naval Insurance in charge of a commissioner of Marine and Seamen's Insurance and a commissioner of Military and Naval Insurance, respectively, each of whom shall receive a salary of \$4,000 per annum.

* * * * *

SEC. 13. That the director, subject to the general direction of the Secretary of the Treasury, shall administer, execute, and enforce the provisions of this Act, and for that purpose have full power and authority to make rules and regulations not inconsistent with the provisions of this Act, necessary or appropriate to carry out its purposes, and shall decide all questions arising under the Act, except as otherwise provided in sec-

tion five. Wherever under any provision or provisions of the Act regulations are directed or authorized to be made, such regulations, unless the context otherwise requires, shall or may be made by the director, subject to the general direction of the Secretary of the Treasury. The director shall adopt reasonable and proper rules to govern the procedure of the divisions and to regulate and provide for the nature and extent of the proofs and evidence and the method of taking and furnishing the same in order to establish the right to benefits of allowance, allotment, compensation, or insurance provided for in this Act, the forms of application of those claiming to be entitled to such benefits, the methods of making investigations and medical examinations, and the manner and form of adjudications and awards: *Provided, however*, That payment to any attorney or agent for such assistance as may be required in the preparation and execution of the necessary papers shall not exceed \$3 in any one case: *And provided further*, That no claim agent or attorney shall be recognized in the presentation or adjudication of claims under articles two, three, and four, except that in the event of disagreement as to a claim under the contract of insurance between the bureau and any beneficiary or beneficiaries thereunder an action on the claim may be brought against the United States in the district court of the United States in and for the district in which such beneficiaries or any one of them resides, and that whenever judgment shall be rendered in an action brought pursuant to this provision the court, as part of its judgment, shall determine and allow such reasonable attorney's fees, not to exceed five per centum of the amount recovered, to be paid by the claimant in behalf of whom such proceedings were instituted to his attorney, said fee to be paid out of the payments to be made to the beneficiary under the judgment rendered at a rate not exceeding one-tenth of each of such payments until paid.

Any person who shall, directly or indirectly, solicit, contract for, charge, or receive, or who shall attempt to solicit, contract for, charge, or receive any fee or compensation, except as herein provided, shall be guilty of a misdemeanor, and for each and every offense shall be punishable by a fine of not more than \$500 or by imprisonment at hard labor for not more than two years, or by both such fine and imprisonment.

SEC. 14. That the bureau and its divisions shall have such deputies, assistants, actuaries, clerks, and other employees as may be from time to time provided by Congress. The bureau shall, by arrangement with the Secretary of War and the Secretary of the Navy, respectively, make use of the services of surgeons in the Army and Navy. The Secretary of the Treasury is authorized to establish an advisory board consisting of three members skilled in the practice of insurance against death or disability for the purpose of assisting the Division of Military and Naval Insurance in fixing premium rates and in the adjustment of claims for losses under the contracts of insurance provided for in article four and in adjusting claims for compensation under article three; compensation for the persons so appointed to be determined by the Secretary of the Treasury, but not to exceed \$20 a day each while actually employed.

SEC. 15. That for the purposes of this Act, the director, commissioners, and deputy commissioners shall have power to issue subpoenas for and compel the attendance of witnesses within a radius of one hundred

miles, to require the production of books, papers, documents, and other evidence, to administer oaths and to examine witnesses upon any matter within the jurisdiction of the bureau. The director may obtain such information and such reports from officials and employees of the departments of the Government of the United States and of the States as may be agreed upon by the heads of the respective departments. In case of disobedience to a subpoena, the bureau may invoke the aid of any district court of the United States in requiring the attendance and testimony of witnesses and the production of documentary evidence, and such court, within the jurisdiction of which the inquiry is carried on, may, in case of contumacy or refusal to obey a subpoena issued to any officer, agent, or employee of any corporation or other person, issue an order requiring such corporation or other person to appear before the bureau, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. Any person so required to attend as a witness shall be allowed and paid the same fees and mileage as are paid witnesses in the district courts of the United States.

SEC. 16. That the director shall submit annually to the Secretary of the Treasury estimates of the appropriations necessary for the work of the bureau.

SEC. 17. That for the purpose of carrying out the provisions of this Act there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of \$100,000, for the payment of all expenses incident to the work authorized under this Act, including salaries of the director and commissioners and of such deputies, assistants, accountants, experts, clerks, and other employees in the District of Columbia or elsewhere, as the Secretary of the Treasury may deem necessary, traveling expenses, rent and equipment of offices, typewriters and exchange of same, purchase of law books and books of reference, printing and binding to be done at the Government Printing Office, and all other necessary expenses. With the exception of the director, the commissioners, and such special experts as the Secretary of the Treasury may from time to time find necessary for the conduct of the work of the bureau, all employees of the bureau shall be appointed from lists of eligibles to be supplied by the Civil Service Commission and in accordance with the civil-service law. Such fees, allowances, and salaries shall be the same as are paid for similar services in other departments of the Government.

SEC. 18. That there is hereby appropriated from any money in the Treasury not otherwise appropriated, the sum of \$141,000,000, to be known as the military and naval family allowance appropriation, for the payment of the family allowances provided by Article II. Payments out of this appropriation shall be made upon and in accordance with awards by the Commissioner of the Division of Military and Naval Insurance.

SEC. 19. That there is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of \$12,150,000, to be known as the military and naval compensation appropriation, for the payment of the compensation, funeral expenses, services, and supplies provided by Article III. Payments out of this appropriation shall be made upon and in accordance with awards by the director.

SEC. 20. That there is hereby appropriated, from any money in the Treasury not otherwise appropriated, the sum of \$23,000,000, to be known as the military and naval insurance appropriation. All premiums that may be collected for the insurance provided by the provisions of Article IV shall be deposited and covered into the Treasury to the credit of this appropriation.

Such sum, including all premium payments, is hereby made available for the payment of the liabilities of the United States incurred under contracts of insurance made under the provisions of Article IV. Payments from this appropriation shall be made upon and in accordance with awards by the director.

SEC. 21. That there shall be set aside as a separate fund in the Treasury, to be known as the military and naval pay deposit fund, all sums held out of pay as provided by section two hundred and three of this Act. Such fund, including all additions, is hereby made available for the payment of the sums so held and deposited, with interest, as provided in section two hundred and three, and the amount necessary to pay interest is hereby appropriated.

SEC. 22. That for the purpose of this amendatory Act the marriage of the claimant to the person on account of whom the claim is made shall be shown—

- (1) By a duly verified copy of a public or church record; or
- (2) By the affidavit of the clergyman or magistrate who officiated; or
- (3) By the testimony of two or more eyewitnesses to the ceremony; or
- (4) By a duly verified copy of the church record of baptism of the children; or
- (5) By the testimony of two or more witnesses who know that the parties lived together as husband and wife, and were recognized as such, and who shall state how long, within their knowledge, such relation continued: *Provided*, That marriages, except such as are mentioned in section forty-seven hundred and five of the Revised Statutes, shall be proven in compensation or insurance cases to be legal marriages according to the law of the place where the parties resided at the time of marriage or at the time when the right to compensation or insurance accrued; and the open and notorious illicit cohabitation of a widow who is a claimant shall operate to terminate her right to compensation or insurance from the commencement of such cohabitation: *Provided further*, That for the purpose of the administration of Article II of this Act marriage shall be conclusively presumed, in the absence of proof, that there is a legal spouse living, if the man and woman have lived together in the openly acknowledged relation of husband and wife during the two years immediately preceding the date of the declaration of war, or the date of enlistment or of entrance into or employment in active service in the military or naval forces of the United States if subsequent to such declaration.

In Articles II, III, and IV of this Act unless the context otherwise requires—

- (1) The term "child" includes—
 - (a) A legitimate child.
 - (b) A child legally adopted more than six months before the enactment of this amendatory Act or before enlistment or entrance into or

employment in active service in the military or naval forces of the United States, whichever of these dates is the later.

(c) A stepchild, if a member of the man's household.

(d) An illegitimate child, but, as to the father, only, if acknowledged by instrument in writing signed by him, or if he has been judicially ordered or decreed to contribute to such child's support, and if such child, if born after December thirty-first, nineteen hundred and seventeen, shall have been born in the United States, or in its insular possessions.

(2) The term "grandchild" means a child as above defined of a child as above defined.

(3) Except as used in section four hundred and one and in section four hundred and two the terms "child" and "grandchild" are limited to unmarried persons either (a) under eighteen years of age, or (b) of any age, if insane, idiotic, or otherwise permanently helpless.

(4) The term "parent" includes a father, mother, grandfather, grandmother, father through adoption, mother through adoption, stepfather, and stepmother, either of the person in the service or of the spouse.

(5) The terms "brother" and "sister" include brothers and sisters of the half blood as well as those of the whole blood, stepbrothers and stepsisters, and brothers and sisters through adoption.

(6) The term "commissioned officer" includes a warrant officer, but includes only an officer in active service in the military or naval forces of the United States.

(7) The terms "man" and "enlisted man" mean a person, whether male or female, and whether enlisted, enrolled, or drafted into active service in the military or naval forces of the United States, and include noncommissioned and petty officers, and members of training camps authorized by law.

(8) The term "enlistment" includes voluntary enlistment, draft, and enrollment in active service in the military or naval forces of the United States.

(9) The term "commissioner" means the Commissioner of Military and Naval Insurance.

(10) The term "injury" includes disease.

(11) The term "pay" means the pay for service in the United States according to grade and length of service, excluding all allowances.

(12) The term "military or naval forces" means the Army, the Navy, the Marine Corps, the Coast Guard, the Naval Reserves, the National Naval Volunteers, and any other branch of the United States service while serving pursuant to law with the Army or the Navy.

SEC. 23. That when, by the terms of this amendatory Act, any payment is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent, such payment shall be made to the person who is constituted guardian or curator by the laws of the State or residence of claimant, or is otherwise legally vested with responsibility or care of the claimant.

SEC. 24. That the Bureau of War Risk Insurance, so far as practicable, shall upon request furnish information to and act for persons in the military or naval service, with respect to any contracts of insurance whether with the Government or otherwise, as may be prescribed by regulations. Said bureau may upon request procure from and keep a record of the

amount and kind of insurance held by every commissioned and appointive officer and of every enlisted man in the military or naval service of the United States, including the name and principal place of business of the company, society, or organization in which such insurance is held, the date of the policy, amount of premium, name and relationship of the beneficiary, and such other data as may be deemed of service in protecting the interests of the insured and beneficiaries.

SEC. 25. That whoever in any claim for family allowance, compensation, or insurance, or in any document required by this Act or by regulation made under this Act, makes any statement of a material fact knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than \$5,000, or by imprisonment for not more than two years, or both.

SEC. 26. That if any person entitled to payment of family allowance or compensation under this Act, whose right to such payment under this Act ceases upon the happening of any contingency, thereafter fraudulently accepts any such payment, he shall be punished by a fine of not more than \$2,000, or by imprisonment for not more than one year, or both.

SEC. 27. That whoever shall obtain or receive any money, check, allotment, family allowance, compensation, or insurance under Articles II, III, or IV of this Act, without being entitled thereto, with intent to defraud the United States or any person in the military or naval forces of the United States, shall be punished by a fine of not more than \$2,000, or by imprisonment for not more than one year, or both.

SEC. 28. That the allotments and family allowances, compensation, and insurance payable under Articles II, III, and IV, respectively, shall not be assignable; shall not be subject to the claims of creditors of any person to whom an award is made under Articles II, III, or IV; and shall be exempt from all taxation: *Provided*, That such allotments and family allowances, compensation, and insurance shall be subject to any claims which the United States may have, under Articles II, III, and IV, against the person on whose account the allotments and family allowances, compensation, or insurance is payable.

SEC. 29. That the discharge or dismissal of any person from the military or naval forces on the ground that he is an enemy alien, conscientious objector, or a deserter, or as guilty of mutiny, treason, spying, or any offense involving moral turpitude, or willful and persistent misconduct shall terminate any insurance granted on the life of such person under the provisions of Article IV, and shall bar all rights to any compensation under Article III or any insurance under Article IV.

SEC. 30. That this Act may be cited as the war-risk insurance Act.

ARTICLE II

ALLOTMENTS AND FAMILY ALLOWANCES

SEC. 200. That the provisions of this article shall apply to all enlisted men in the military or naval forces of the United States, except the Philippine Scouts, the insular force of the Navy, and the Samoan native guard and band of the Navy.

SEC. 201. That allotment of pay shall, subject to the conditions, limitations, and exceptions hereinafter specified, be compulsory as to

wife, a former wife divorced who has not remarried and to whom alimony has been decreed, and a child, and voluntary as to any other person; but on the written consent of the wife or former wife divorced, supported by evidence satisfactory to the bureau of her ability to support herself and the children in her custody, the allotment for her and for such children may be waived; and on the enlisted man's application or otherwise for good cause shown, exemption from the allotment may be granted upon such conditions as may be prescribed by regulations.

The monthly compulsory allotment shall be \$15. For a wife living separate and apart from her husband under court order or written agreement, or for a former wife divorced, the monthly compulsory allotment shall not exceed the amount specified in the court order, decree, or written agreement to be paid to her, and for an illegitimate child, to whose support the father has been judicially ordered or decreed to contribute, it shall not exceed the amount fixed in the order or decree.

If there is a compulsory allotment for a wife or child, then a former wife divorced who has not remarried and to whom alimony has been decreed, shall not be entitled to a compulsory allotment, but shall be entitled to a family allowance as hereinafter provided.*

SEC. 202. That the enlisted man may allot any proportion or proportions or any fixed amount or amounts of his monthly pay or of the proportion thereof remaining after the compulsory allotment, for such purposes and for the benefit of such person or persons as he may direct, subject, however, to such conditions and limitations as may be prescribed under regulations to be made by the Secretary of War and the Secretary of the Navy, respectively.

SEC. 203. That in case one-half of an enlisted man's monthly pay is not allotted, regulations to be made by the Secretary of War and the Secretary of the Navy, respectively, may require, under circumstances and conditions as may be prescribed in such regulations, that any proportion of such one-half pay as is not allotted shall be deposited to his credit, to be held during such period of his service as may be prescribed. Such deposit shall bear interest at the same rate as United States bonds bear for the same period, and, when payable, shall be paid principal and interest to the enlisted man, if living, otherwise to any beneficiary or beneficiaries he may have designated, or if there be no such beneficiary, then to the person or persons who, under the laws of the State of his residence, would be entitled to his personal property in case of intestacy.

SEC. 204. That a family allowance of not exceeding \$50 per month shall be granted and paid by the United States upon written application to the bureau by such enlisted man or by or on behalf of any prospective beneficiary, in accordance with and subject to the conditions, limitations, and exceptions hereinafter specified.

The family allowance shall be paid from the time of enlistment to death in or one month after discharge from the service, but not for more than one month after the termination of the present war emergency. No family allowance shall be made for any period preceding November first, nineteen hundred and seventeen. The payment shall be subject to such regulations as may be prescribed relative to cases of desertion and imprisonment and of missing men.

* This section as amended takes effect on the 1st day of July, 1918.

Class A. In the case of a man to his wife (including a former wife divorced) and to his child or children—

- (a) If there is a wife but no child, \$15;
- (b) If there is a wife and one child, \$25;
- (c) If there is a wife and two children, \$32.50, with \$5 per month additional for each additional child;
- (d) If there is no wife, but one child, \$5;
- (e) If there is no wife, but two children, \$12.50;
- (f) If there is no wife, but three children, \$20;
- (g) If there is no wife, but four children, \$30, with \$5 per month additional for each additional child;
- (h) If there is a former wife divorced who has not remarried and to whom alimony has been decreed, \$15.

Class B. In the case of a man or woman to a grandchild, a parent, brother, or sister—

- (a) If there is one parent, \$10;
- (b) If there are two parents, \$20;
- (c) If there is a grandchild, brother, sister, or additional parent, \$5 for each.

In the case of a woman, the family allowances for a husband and children shall be in the same amounts, respectively, as are payable, in the case of a man, to a wife and children, provided she makes a voluntary allotment of \$15 as a basis therefor, and provided, further, that dependency exists as required in section two hundred and six.*

SEC. 205. That family allowances for members of Class A shall be paid only if and while a compulsory allotment is made to a member or members of such class. The monthly family allowance to a former wife divorced shall be payable only out of the difference, if any, between the monthly family allowance to the other members of Class A and the sum of \$50, and only then if alimony shall have been decreed to her. For a wife living separate and apart under court order or written agreement or to a former wife divorced the monthly allowance, together with the allotment, if any, shall not exceed the amount specified in the court order, decree, or written agreement to be paid to her. For an illegitimate child, to whose support the father has been judicially ordered or decreed to contribute, it shall not exceed the amount fixed in the order or decree.

SEC. 206. That family allowances to members of class B shall be paid only if and while the members are dependent in whole or in part on the enlisted man, and then only if and while the enlisted man makes a monthly allotment of his pay for such members in the following amounts:

(a) If an enlisted man is not making a compulsory allotment for class A the allotment for class B required as a condition to the family allowance shall be \$15;

(b) If an enlisted man is making a compulsory allotment for class A the additional allotment for class B required as a condition to the family allowance shall be \$5, or if a woman is making an allotment of \$15 for a dependent husband or child the additional allotment for the other members of class B required as a condition to the family allowance shall be \$5.*

* This section as amended takes effect on the 1st of July, 1918.

SEC. 207. That the amount of the family allowance to members of class B shall be subject to each of the following limitations:

(a) If an allowance is paid to one or more beneficiaries of Class A, the total allowance to be paid to the beneficiaries of Class B shall not exceed the difference between the allowance paid to the beneficiaries of Class A and the sum of \$50.

(b) The total monthly allowance to beneficiaries of Class B added to the enlisted man's monthly allotment to them shall not exceed the average sum habitually contributed by him to their support monthly during the period of dependency but not exceeding a year immediately preceding his enlistment or the enactment of this amendatory Act.

SEC. 208. That as between the members of Class A and as between the members of Class B, the amount of the allotment and family allowance shall be apportioned as may be prescribed by regulations.

SEC. 209. The War and Navy Departments, respectively, shall pay over to the Treasury Department monthly the entire amount of such allotments for distribution to the beneficiaries, and the allotments and family allowances shall be paid by the bureau to or for the beneficiaries.

SEC. 210. That upon receipt of any application for family allowance, the commissioner shall make all proper investigations and shall make an award, on the basis of which award the amount of the allotments to be made by the man shall be certified to the War Department or Navy Department, as may be proper. Whenever the commissioner shall have reason to believe that an allowance has been improperly made or that the conditions have changed, he shall investigate or reinvestigate and may modify the award. The amount of each monthly allotment and allowance shall be determined according to the family conditions existing on the first day of the month.*

ARTICLE III

COMPENSATION FOR DEATH OR DISABILITY

SEC. 300. That for death or disability resulting from personal injury suffered or disease contracted in the line of duty, by any commissioned officer or enlisted man or by any member of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) when employed in the active service under the War Department or Navy Department, the United States shall pay compensation as hereinafter provided; but no compensation shall be paid if the injury or disease has been caused by his own willful misconduct: *Provided*, That for the purposes of this section said officer, enlisted man, or other member shall be held and taken to have been in sound condition when examined, accepted, and enrolled for service: *Provided further*, That this section, as amended, shall be deemed to become effective as of October sixth, nineteen hundred and seventeen.

SEC. 301. That if death results from injury—

If the deceased leaves a widow or child, or if he leaves a mother or father either or both dependent upon him for support, the monthly compensation shall be the following amounts:

(a) If there is a widow but no child, \$25;

* This section as amended takes effect on the 1st of July, 1918.

- (b) If there is a widow and one child, \$35;
- (c) If there is a widow and two children, \$42.50, with \$5 for each additional child up to two;
- (d) If there is no widow, but one child, \$20;
- (e) If there is no widow, but two children, \$30;
- (f) If there is no widow, but three children, \$40, with \$5 for each additional child up to two;
- (g) If there is a dependent mother (or dependent father), \$20, or both, \$30. The amount payable under this subdivision shall not exceed the difference between the total amount payable to the widow and children and the sum of \$75. This compensation shall be payable for the death of but one child, and no compensation for the death of a child shall be payable if the dependent mother is in receipt of compensation under the provisions of this article for the death of her husband. Such compensation shall be payable whether the dependency of the father or mother or both arises before or after the death of the person, but no compensation shall be payable if the dependency arises more than five years after the death of the person.

If the death occurs before discharge or resignation from service, the United States shall pay for burial expenses and the return of the body to his home a sum not to exceed \$100, as may be fixed by regulations.

The payment of compensation to a widow shall continue until her death or remarriage.

The payment of compensation to or for a child shall continue until such child reaches the age of eighteen years or marries, or if such child be incapable, because of insanity, idiocy, or being otherwise permanently helpless, then during such incapacity.

Whenever the compensation payable to or for the benefit of any person under the provisions of this section is terminated by the happening of the contingency upon which it is limited, the compensation thereafter for the remaining beneficiary or beneficiaries, if any, shall be the amount which would have been payable to them if they had been the sole original beneficiaries.

As between the widow and the children not in her custody, and as between children, the amount of the compensation shall be apportioned as may be prescribed by regulation.

The term "widow" as used in this section shall not include one who shall have married the deceased later than ten years after the time of injury, and shall include a widower, whenever his condition is such that, if the deceased person were living, he would have been dependent upon her for support.*

SEC. 302. That if disability results from the injury—

(1) If and while the disability is total, the monthly compensation shall be the following amounts:

- (a) If the disabled person has neither wife nor child living, \$30;
- (b) If he has a wife but no child living, \$45;

* Where section 301 is amended by striking out the provisions that a mother is entitled to compensation only when she is widowed and substitute provisions are included to the effect that compensation is payable to a dependent mother or dependent father, such substitute provisions shall be deemed to be in effect as of October 6, 1917. (Extract from section 15 of Act of June 25, 1918.)

- (c) If he has a wife and one child living, \$55;
- (d) If he has a wife and two children living, \$65;
- (e) If he has a wife and three or more children living, \$75;
- (f) If he has no wife but one child living, \$40, with \$10 for each additional child up to two;

(g) If he has a mother or father, either or both dependent on him for support, then in addition to the above amounts, \$10 for each;

(h) If he is totally disabled and in addition so helpless as to be in constant need of a nurse or attendant, such additional sum shall be paid, but not exceeding \$20 per month, as the director may deem reasonable: *Provided, however,* That for the loss of both feet or both hands or both eyes, or for becoming totally blind or becoming helpless and permanently bedridden from causes occurring in the line of duty in the service of the United States, the rate of compensation shall be \$100 per month: *Provided further,* That where the rate of compensation is \$100 per month, no allowance shall be made for a nurse or attendant.

(2) If and while the disability is partial, the monthly compensation shall be a percentage of the compensation that would be payable for his total disability, equal to the degree of the reduction in earning capacity resulting from the disability, but no compensation shall be payable for a reduction in earning capacity rated at less than ten per centum.

A schedule of ratings of reductions in earning capacity from specific injuries or combinations of injuries of a permanent nature shall be adopted and applied by the bureau. Ratings may be as high as one hundred per centum. The ratings shall be based, as far as practicable, upon the average impairments of earning capacity resulting from such injuries in civil occupations and not upon the impairment in earning capacity in each individual case, so that there shall be no reduction in the rate of compensation for individual success in overcoming the handicap of a permanent injury. The bureau shall from time to time readjust this schedule of ratings in accordance with actual experience.

(3) In addition to the compensation above provided, the injured person shall be furnished by the United States such reasonable governmental medical, surgical, and hospital services and with such supplies, including artificial limbs, trusses, and similar appliances, as the director may determine to be useful and reasonably necessary: *Provided,* That nothing in this Act shall be construed to affect the necessary military control over any member of the military or naval establishments before he shall have been discharged from the military or naval service.

(4) The amount of each monthly payment shall be determined according to the family conditions existing on the first day of the month.

(5) Where the disabled person and his wife are not living together, or where the children are not in the custody of the disabled person, the amount of the compensation shall be apportioned as may be prescribed by regulations.

(6) The term "wife" as used in this section shall include "husband" if the husband is dependent upon the wife for support.

SEC. 303. That every person applying for or in receipt of compensation for disability under the provisions of this article shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a medical officer of the United States or by a duly

qualified physician designated or approved by the director. He may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations he shall, in the discretion of the director, be paid his reasonable traveling and other expenses and also loss of wages incurred in order to submit to such examination. If he refuses to submit himself for, or in any way obstructs, any examination, his right to claim compensation under this article shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues, and no compensation shall be payable for the intervening period.

Every person in receipt of compensation for disability shall submit to any reasonable medical or surgical treatment furnished by the bureau whenever requested by the bureau; and the consequences of unreasonable refusal to submit to any such treatment shall not be deemed to result from the injury compensated for.

SEC. 304. [This section was repealed by act of June 27, 1918—vocal rehabilitation act—Public—No. 178—65th Cong.]

SEC. 305. That upon its own motion or upon application the bureau may at any time review an award, and, in accordance with the facts found upon such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, may award compensation.

SEC. 306. That no compensation shall be payable for death or disability which does not occur prior to or within one year after discharge or resignation from the service, except that where, after a medical examination made pursuant to regulations, at the time of discharge or resignation from the service, or within such reasonable time thereafter, not exceeding one year, as may be allowed by regulations, a certificate has been obtained from the director to the effect that the injured person at the time of his discharge or resignation was suffering from injury likely to result in death or disability, compensation shall be payable for death or disability, whenever occurring, proximately resulting from such injury.

SEC. 307. That compensation shall not be payable for death in the course of the service until the death be officially recorded in the department under which he may be serving. No compensation shall be payable for a period during which the man has been reported "missing" and a family allowance has been paid for him under the provisions of Article II.

SEC. 308. That no compensation shall be payable for death inflicted as a lawful punishment for a crime or military offense except when inflicted by the enemy. A dismissal or dishonorable or bad conduct discharge from the service shall bar and terminate all right to any compensation under the provisions of this article.

SEC. 309. That no compensation shall be payable unless a claim therefor be filed, in case of disability, within five years after discharge or resignation from the service, or, in case of death during the service, within five years after such death is officially recorded in the department under which he may be serving: *Provided, however,* That where compensation is payable for death or disability occurring after discharge or resignation from the service, claim must be made within five years after such death or the beginning of such disability.

The time herein provided may be extended by the director not to

exceed one year for good cause shown. If at the time that any right accrues to any person under the provisions of this article, such person is a minor, or is of unsound mind or physically unable to make a claim, the time herein provided shall not begin to run until such disability ceases.

SEC. 310. That no compensation shall be payable for any period more than two years prior to the date of claim therefor, nor shall increased compensation be awarded to revert back more than one year prior to the date of claim therefor.

SEC. 311. [This section was repealed by act of June 25, 1918. The substance is now included in section 28.]

SEC. 312. That compensation under this article shall not be paid while the person is in receipt of service or retirement pay. The laws providing for gratuities or payments in the event of death in the service and existing pension laws shall not be applicable after the enactment of this amendment to any person in the active military or naval service on the sixth day of October, nineteen hundred and seventeen, or who thereafter entered the active military or naval service, or to their widows, children, or their dependents, except in so far as rights under any such law have heretofore accrued.

Compensation because of disability or death of members of the Army Nurse Corps (female) or of the Navy Nurse Corps (female) shall be in lieu of any compensation of such disability or death under the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September seventh, nineteen hundred and sixteen.

SEC. 313. (1) That if an injury or death for which compensation is payable under this article is caused under circumstances creating a legal liability upon some person other than the United States or the enemy to pay damages therefor, the director, as a condition to payment of compensation by the United States, may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person, or if it appears to be for the best interests of the beneficiary the director may require him to prosecute the said action in his own name, subject to regulations. The director may require such assignment or prosecution at any time after the injury or death, and the failure on the part of the beneficiary to so assign or to prosecute said cause of action in his own name within a reasonable time, to be fixed by the director, shall bar any right to compensation on account of the same injury or death. The cause of action so assigned to the United States may be prosecuted or compromised by the director, and any money realized or collected thereon, less the reasonable expenses of such realization or collection, shall be placed to the credit of the military and naval compensation appropriation. If the amount placed to the credit of such appropriation in such case is in excess of the amount of the award of compensation, if any, such excess shall be paid to the beneficiary after any compensation award for the same injury or death is made.

If a beneficiary or conditional beneficiary shall have recovered, as a result of a suit brought by him or on his behalf, or as a result of a settlement made by him or on his behalf, any money or other property in satisfaction of the liability of such other person, such money or other

property so recovered shall be credited upon any compensation payable, or which may become payable, to such beneficiary, or conditional beneficiary by the United States on account of the same injury or death.

(2) If an injury or death for which compensation may be payable under this article is caused under circumstances creating a legal liability upon some person, other than the United States or the enemy, to pay damages therefor, then, in order to preserve the right of action, the director may require the conditional beneficiary at any time after the injury or death, to assign such right of action to the United States, or, if it appears to be for the best interests of such conditional beneficiary, to prosecute the said cause of action in his own name, subject to regulations. The failure on the part of the beneficiary to so assign or to prosecute the said cause of action in his own name within a reasonable time, to be fixed by the director, shall bar any right to compensation on account of the same injury or death. The cause of action so assigned may be prosecuted or compromised by the director, and any money realized or collected thereon, less the reasonable expenses of such realization or collection, shall be paid to such beneficiary, and be credited upon any future compensation which may become payable to such beneficiary by the United States on account of the same injury or death.

(3) The bureau shall make all necessary regulations for carrying out the purposes of this section. For the purposes of computation only under this section the total amount of compensation due any beneficiary shall be deemed to be equivalent to a lump sum equal to the present value of all future payments of compensation computed as of the date of the award of compensation at four per centum, true discount, compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality.

A conditional beneficiary is any person who may become entitled to compensation under this article on or after the death of the injured person.

Nothing in this section shall be construed to impose any administrative duties upon the War or Navy Departments.

SEC. 314. That from and after the passage of this Act the rate of pension for a widow of an officer or enlisted man of the Army, Navy, or Marine Corps of the United States who served in the Civil War, the War with Spain, or the Philippine Insurrection, now on the pension roll or hereafter to be placed on the pension roll, and entitled to receive a less rate than hereinafter provided, shall be \$25 per month; and nothing herein shall be construed to affect the additional allowance provided by existing pension laws on account of a helpless child or child under sixteen years of age: *Provided, however*, That this Act shall not be so construed as to reduce any pension under any Act, public or private: *And provided, further*, That the provisions of this section shall be administered, executed, and enforced by the Commissioner of Pensions.

ARTICLE IV

INSURANCE

SEC. 400. That in order to give to every commissioned officer and enlisted man and to every member of the Army Nurse Corps (female)

and of the Navy Nurse Corps (female) when employed in active service under the War Department or Navy Department greater protection for themselves and their dependents than is provided in Article III, the United States, upon application to the bureau and without medical examination, shall grant insurance against the death or total permanent disability of any such person in any multiple of \$500, and not less than \$1,000 or more than \$10,000, upon the payment of the premiums as hereinafter provided.

SEC. 401. That such insurance must be applied for within one hundred and twenty days after enlistment or after entrance into or employment in the active service and before discharge or resignation, except that those persons who are in the active war service at the time of the publication of the terms and conditions of such contract of insurance may apply at any time within one hundred and twenty days thereafter and while in such service. Any person in the active service on or after the sixth day of April, nineteen hundred and seventeen, who, while in such service and before the expiration of one hundred and twenty days from and after such publication, becomes or has become totally and permanently disabled, or dies, or has died, without having applied for insurance, shall be deemed to have applied for and to have been granted insurance, payable to such person during his life in monthly installments of \$25 each. If he shall die either before he shall have received any of such monthly installments or before he shall have received two hundred and forty of such monthly installments, then \$25 per month shall be paid to his widow from the time of his death and during her widowhood, or if there is no widow surviving him, then to his child or children, or if there is no child surviving him, then to his mother, or if there is no mother surviving him, then to his father, if and while they survive him: *Provided, however,* That not more than two hundred and forty of such monthly installments, including those received by such person during his total and permanent disability, shall be so paid. The amount of the monthly installments shall be apportioned between children as may be provided by regulations.*

SEC. 402. That the director, subject to the general direction of the Secretary of the Treasury, shall promptly determine upon and publish the full and exact terms and conditions of such contract of insurance. The insurance shall be payable only to a spouse, child, grandchild, parent, brother, or sister, and also during total and permanent disability to the injured person, or to any or all of them. The insurance shall be payable in two hundred and forty equal monthly installments. Provisions for maturity at certain ages, for continuous installments during the life of the insured or beneficiaries, or both, for cash, loan, paid up and extended values, dividends from gains and savings, and such other provisions for the protection and advantage of and for alternative benefits to the insured and the beneficiaries as may be found to be reasonable and prac-

* Section 401, as amended, is in effect as of October 6, 1917: *Provided,* That nothing herein shall be construed to interfere with the payment of monthly installments, authorized to be made under the provisions of said section 401 as originally enacted, for the months up to and including June, 1918: *Provided further,* That all awards of automatic insurance under the provisions of said section 401 as originally enacted shall be revised as of the 1st day of July, 1918, in accordance with the provisions of said section 401 as amended. (Extract from section of 20 Act of June 25, 1918.)

licable, may be provided for in the contract of insurance, or from time to time by regulations. All calculations shall be based upon the American Experience Table of Mortality and interest at three and one-half per centum per annum, except that no deduction shall be made for continuous installments during the life of the insured in case his total and permanent disability continues more than two hundred and forty months. Subject to regulations, the insured shall at all times have the right to change the beneficiary or beneficiaries of such insurance without the consent of such beneficiary or beneficiaries, but only within the classes herein provided. If no beneficiary within the permitted class be designated by the insured, either in his lifetime or by his last will and testament, or if the designated beneficiary does not survive the insured, the insurance shall be payable to such person or persons within the permitted class of beneficiaries as would under the laws of the State of the residence of the insured be entitled to his personal property in case of intestacy. If no such person survive the insured, then there shall be paid to the estate of the insured an amount equal to the reserve value, if any, of the insurance at the time of his death, calculated on the basis of the American Experience Table of Mortality and three and one-half per centum interest in full of all obligations under the contract of insurance.

SEC. 403. That the United States shall bear the expenses of administration and the excess mortality and disability cost resulting from the hazards of war. The premium rates shall be the net rates based upon the American Experience Table of Mortality and interest at three and one-half per centum per annum.

SEC. 404. That during the period of war and thereafter until converted the insurance shall be term insurance for successive terms of one year each. Not later than five years after the date of the termination of the war as declared by proclamation of the President of the United States, the term insurance shall be converted, without medical examination, into such form or forms of insurance as may be prescribed by regulations and as the insured may request. Regulations shall provide for the right to convert into ordinary life, twenty-payment life, endowment maturing at age sixty-two and into other usual forms of insurance and shall prescribe the time and method of payment of the premiums thereon, but payments of premiums in advance shall not be required for periods of more than one month each and may be deducted from the pay or deposit of the insured or be otherwise made at his election.

SEC. 405. [This section was repealed by act of May 20, 1918. The substance is now included in Section 13.]

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Treatment Date: MAY 2016

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